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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Gopesh Kumer

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EXAMINER

MEJIA, ANTHONY

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/710,795	Applicant(s) KUMER, GOPESH	
	Examiner Anthony Mejia	Art Unit 4117	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/03/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 15 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a *previous* claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. For further purposes of examination, the examiner will interpret Claim 15 as being dependent to Claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4-5, 6, 9-14, and 17 rejected under 35 U.S.C. 102(e) as being unpatentable under Lurie et al. (US 7,289,612) (referred herein after as Lurie).

Regarding Claim 1, Lurie teaches a method of connecting two parties in real time (col.7, lines 57-61), the method comprising:

Having a User click on an internet-based icon to initiate a live conversation with a Service Provider (fig.7, click “OK” button to connect);

Generating a pop-up window with information about said Service Provider (fig. 4, and col 6, lines 38-53);

Checking to see if the Service Provider is available (col.8, lines 3-10);

Connecting said User with said Service Provider if available (col.7, lines 57-61);
and

Alerting said User if said Service Provider is not available (real-time availability status, col.6, lines 58-60, col. 8, lines 7-10).

Regarding Claim 4, Lurie teaches allowing said Service Provider to enter their hours of availability (col.6, lines 54-58).

Regarding Claim 5, Lurie teaches a method for displaying said Service Providers hours of availability within said pop-up window (col.6, lines 54-58, and fig.6). It is inherent that if the Service Providers are able to manually enter data in their description box, which indicates the services that they offer, they would also be able to enter in the available schedule for the intended users of their services.

Regarding Claim 6, Lurie teaches denying said connection if a User tries to initiate a connection during the hours said Service Provider is scheduled to be not available (fig.5). In further, fig. 5, in the location that typically states “Call Now”, if the

service provider is not available, it will be replaced with "Mail Now", thus preventing or denying the user from initiating a connection with the Service Provider.

Regarding Claim 9, Lurie teaches prompting said User to send an email to the Service Provider if Service Provider is busy or unavailable (col.12, lines.12-15, as depicted in fig.7).

Regarding Claim 10, Lurie teaches displaying (billing) a compensation rate, based on a period of time, for each Service Provider (col.10, lines. 17-22, and fig.10).

Regarding Claim 11, Lurie teaches displaying a text link in said pop-up window to a new popup window displaying Service Providers profile (title) and history of previous Users "feedback" (rating) (fig. 5 and fig.12).

Regarding Claim 12, Lurie teaches wherein the set of Service Providers is provided in response to a category selection (col.10, lines 66-67 and col.11, lines 1-8).

Regarding Claim 13, Lurie teaches after the connection has ended, prompting said User to provide feedback on said Service Provider regarding the quality of said Service Providers service (col.8, lines 22-24).

Regarding Claim14, Lurie teaches setting up (registers) an account for the Service Providers (col.6, lines 44-47); and

crediting the account for an amount based upon how long the connection is maintained (col.10, lines 5-14, and fig.10).

Regarding Claim 17, Lurie teaches a method of monitoring how long the telephonic connection is maintained between said User and said Service Provider (fig.10); and

deducting from said User consumer account an amount based upon how long the telephonic connection is maintained (col.10, lines 22-25).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lurie and in further view of Jolissant et al. (US 6,463,149) (referred herein after as Jolissant)

Regarding Claim 2, Lurie does not teach having a said pop-up window prompting said User to enter their phone number to make said connection.

However, Jolissant teaches a method of having said pop-up window prompting said user to enter their phone number to make said connection (col.6, lines 52-55, and Fig.3B)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lurie and Jolissant to allow a user to manually enter their phone number to help identify the intended user. One of ordinary skill would be motivated to utilize the teachings of Jolissant in Lurie to have a system that would help identify a user in order to provide them with the accurate service that they are requesting also to be able to maintain a record of this user's history to make proper adaptations of the available services.

6. Claims 3 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lurie and in further view of Joyce et al. (US 2005/0086290) (referred herein after as Joyce).

Regarding Claim 3, Lurie does not teach generating a message for said User in said pop-up window when said Service Provider is not available.

However, Joyce teaches a method of generating a message for said User in said pop-up window when said Service Provider is not available (Agent sets own availability status; par [0055] and Fig.15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lurie and Joyce to help notify users when a Service Provider is not available. One of ordinary skill in the art would have been motivated to combine the teachings because Joyce teaches an interface that indicated the online status of an agent, indicating that the agent may not be interrupted

because the agent is not available. |

Regarding Claim 7, Joyce teaches displaying in said pop-up window that said Service Provider is currently busy on another call if said Service Provider is currently on another system call (par [0055] and fig.15).

Regarding Claim 8, Joyce teaches denying said connection if a User tries to initiate a connection while said Service Provider is busy on another call (par [0055] and fig.15).

6. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lurie and in further view of Ling (US 2002/0111907) (referred herein after as Ling).

Regarding Claim 16, Lurie does not disclose setting up a consumer account in the system for the User, wherein setting up the consumer account includes obtaining credit card information from the consumer and allowing User to make a deposit to their consumer account.

However, Ling, in a similar field of endeavor discloses systems and methods for conducting electronic commerce transactions requiring micro payments, teaches setting up a consumer account in the system for a User, wherein setting up the consumer account includes obtaining credit card information from the consumer and allowing a User to make a deposit to their consumer account (par [0070]).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Lurie and Ling, to be able provide a payment system for the users in which they could access in order to pay for the services provided by the Service Provider. One of the ordinary skill in the art would have been motivated to combine the teachings of Ling in Lurie to help protect the information of users by allowing them to have a unique account number which they could access to make payments with the credit card that is already stored in the system, to cover for the services that they are provided and not be required to enter their personal information for any future transactions that are made.

Regarding Claim 15, Lurie teaches the method as described in claim 16, further comprising:

setting up an account for the Service Providers (col.6, lines 44-47); and
crediting the account for an amount based upon how long the telephonic connection is maintained minus a fee (col. 6, lines 26-31 and fig. 10).

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olshansky (US 6,493,437) (referred herein after as Olshansky) and in further view of Lurie.

Regarding Claim 18, Olshansky teaches a method of informing a User of their allotted connection time to a Service Provider in real time, the method comprising:

extracting User real-time account balance information (e.g., billing information)

from System Database (col.5, lines 10-11);

displaying this information to said User textually in pop-up window the moment before said User connects to said Service provider (col. 5, lines 14-16); and

displaying a graphical timer (e.g., duration alarm) in said pop-up window, once said User connects to said Service provider, begins counting down the minutes remaining for the User to be connected to the Service provider until said User's account balance is depleted and correspondingly their connection terminated (col.5, 26-31).

Although Olshansky does not explicitly teach dividing the User account balance total by the Service provider per minute compensation rate, it is inherent that in order to control the cost or duration of calls, the available user account balance total must be divided by the service provider compensation rate (e.g., cost of present call) (col. 5, lines 33-35). Olshansky does not explicitly teach determining total minutes said User can connect to said Service Provider until said User's account balance reaches zero.

However, Olshansky does teach that determining total minutes said User can connect to a Service Provider until said User's account balance reaches a predetermined value (col.5, lines 26-29).

It would have been obvious to one ordinary skill in the art to set the predetermined value to zero, if this is the user's desired value.

Olshansky does not explicitly teach extracting Service Provider per minute compensation rate from System Database.

However, Lurie, teaches extracting Service Provider per minute compensation rate from System Database (col.10, lines 54-55 and fig.5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Olshansky in Lurie, to be able to provide the compensation rates of different service providers to the users of the system. One of ordinary skill in the art would have been motivated to combine the teachings of Olshansky and Lurie to help allow users to be able to make a service request based on their own financial criterion.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olshansky in view of Lurie and in further view of Ling.

Regarding Claim 19, the combined teachings of Olshansky and Lurie teach the method as described in claim 18 above. The combined teachings of Olshansky and Lurie do not teach a hypertext link in said pop-up window directing Users to make a deposit to their account.

However, Ling teaches a hypertext link in said pop-up window directing Users to make a deposit (e.g., add funds) to their account (par [0166], 275, fig.11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Ling in Olshansky/Lurie, to be able to allow the users to have an easily accessible way of being able to add additional funds to their accounts. One of the ordinary skill in the art would have been motivated to combine the teachings of Ling and Olshansky/Lurie to help expedite users to more services by being able to easily add funds to their user accounts.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGregor et al. (US 5,577,100) (referred herein after as McGregor) and in further view of Lurie.

Regarding Claim 20, McGregor teaches a method for ensuring User is not inappropriately billed for unsuccessful connection attempt to a Service Provider during a time in which the Service Provider is "available", the method comprising:

deleting immediately the connection transaction record (bill) from the accounts of both said User (PP) and said Service Provider (Host), if the connection time between said User and said Service Provider does not exceed thirty seconds before termination; and

maintaining the connection transaction records (bills) in the accounts of both said User and said Service Provider, if the connection time between said User and said Service Provider exceeds thirty seconds (e.g., billing delay, col.16, lines 13-19).

Although, McGregor, does not explicitly teach in making the determination to either delete or maintain the transaction record at thirty seconds.

It would have been obvious to one ordinary skill to set 30 seconds as the value of X, if this is the user's desired value to make the determination of either deleting or maintaining the transaction record for the connection that was intended to the Service Provider. One of ordinary skill in the art at the time the invention was made would have been motivated to set 30 seconds as the value of X, if this is the user's desired value to make the determination of either deleting or maintaining the transaction record for the

connection that was intended to the Service Provider

McGregor does not teach connecting User telephonically to a Service provider.

However, Lurie teaches connecting User telephonically to Service provider (col.2, lines 20-22, and fig. 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lurie in McGregor, to have a real-time connection between users and selected service providers. One of the ordinary skill in the art would have been motivated to combine the teachings of McGregor and Lurie to help minimize the possibilities of inappropriately billing users for unsuccessful connections to the service providers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Mejia whose telephone number is 571-270-3630. The examiner can normally be reached on Mon-Thur 7:30AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beatriz Prieto can be reached on 571-272-3902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mejia, Anthony
Patent Examiner

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Supervisory Patent Examiner, Art Unit 4117